

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Revision of the Commission's Rules to)	CC Docket No. 94-102
Ensure Compatibility With Enhanced)	
Emergency Calling Systems)	
)	
Amendment of Parts 2 and 25 to Implement the)	IB Docket No. 99-67
Global Mobile Personal Communications by)	
Satellite (GMPCS) Memorandum of)	
Understanding and Arrangements; Petition of)	
the National Telecommunications and)	
Information Administration to Amend Part 25)	
of the Commission's Rules to Establish)	
Emissions Limits for Mobile and Portable)	
Earth Stations Operating in the)	
1610-1660.5 MHz band)	

COMMENTS

Final Analysis Communication Services, Inc. ("Final Analysis"), by its attorneys, hereby submits its comments in response to the above-captioned *Further Notice of Proposed Rulemaking* concerning the adoption of basic and enhanced 911 requirements for satellite services.¹ Final Analysis is licensed to construct, launch and operate a Non-Voice Non-Geostationary Mobile Satellite Service ("NVNG MSS" or "Little LEO") system.²

¹ Revision of the Commission's Rules to Ensure Compatibility With Enhanced 911 Emergency Calling Systems; Amendment of Parts 2 and 25 to Implement the Global Mobile Personal Communications by Satellite (GMPCS) Memorandum of Understanding and Arrangements; Petition of the National Telecommunications and Information Administration to Amend Part 25 of the Commission's Rules to Amend Part 25 of the Commission's Rules to Establish Emissions Limits for Mobile and Portable Earth Stations Operating in the 1610-1660.5 MHz Band, *Further Notice of Proposed Rulemaking*, FCC 02-326 (rel. Dec. 20, 2002) ("*Further Notice*").

In the *Further Notice*, the Commission proposed to analyze which MSS services and devices should be subject to basic and enhanced 911 requirements based on the following criteria: (1) whether the service offers real-time, two-way switched voice service, interconnected with the public switched network; (2) whether customers using the service or device have a reasonable expectation of access to 911 and E911 services; (3) whether the service competes with traditional CMRS or wireline local exchange services; and (4) whether it is technically and operationally feasible for the service or device to support E911.³ Final Analysis agrees that use of these criteria will enable the Commission to provide a transparent methodology for determining which classes of services and devices should comply with basic and enhanced 911 requirements and, therefore, strongly supports the proposal.

In applying these criteria, it is clear that NVNG MSS should not be subject to basic and enhanced 911 service requirements, or with similar requirements. First, NVNG MSS systems provide service in near real-time, are not interconnected to the public switched network, and in fact, are prohibited by rule from providing voice services.⁴ Second, there is no evidence that subscribers in the United States expect NVNG MSS terminals to have basic or enhanced 911 features, particularly since NVNG MSS is not a commercial public mobile telephone service. Third, as a non-voice service, NVNG MSS by definition is not a direct competitor of traditional CMRS or wireline local exchange services. Finally, compliance with basic and enhanced 911 requirements would require substantial and costly modifications to both the user terminal and network components of the NVNG MSS systems. The NVNG MSS industry is still in early development. Only one NVNG MSS system has been fully deployed. Imposition of 911

² Final Analysis Communication Services, Inc., *Order and Authorization*, 13 FCC Rcd 6618 (Int'l Bur. 1998); *Memorandum Opinion and Order*, 16 FCC Rcd 21463 (2001).

³ See *Further Notice* at ¶ 13.

obligations in this context is not only inappropriate, but also would impose unnecessary and potentially harmful burdens on a nascent industry.

There is no basis for imposing basic and enhanced 911 capability requirements on NVNG MSS systems. Therefore, Final Analysis strongly urges the Commission to adopt its tentative conclusion that only GMPCS carriers providing real-time, two-way switched voice service that is interconnected to the public switched telephone network should be required to provide E911 services.

Respectfully submitted,

FINAL ANALYSIS
COMMUNICATION SERVICES, INC.

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By: _____/s/
Aileen A. Pisciotta
Randall W. Sifers
Kelley Drye & Warren LLP
1200 19th Street, N.W., Suite 500
Washington, D.C. 20036
(202) 955-9600

Its Attorneys

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See 47 C.F.R. § 25.142(b)(1).